



## DEPARTMENT OF TRANSPORTATION

### MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

9960

#### 49 CFR Parts 173 and 178

[Docket No. HM-172; Notice No. 80-2]

#### Marking and Record Retention Requirements for Cylinders

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** The MTB proposes to clarify the marking requirements for cylinders and to address other markings which may appear as additional information on cylinders. The MTB also proposes to delete § 173.34(c)(3)(ii) and thereby prohibit a cylinder owner from changing the serial number and any required identification symbol markings on a cylinder. In addition, the MTB is proposing to prescribe requirements for retention of cylinder test reports and to revise the requirements for submission of these reports.

**E:** Comments must be received by 15, 1980. *mtb*

**ADDRESS:** Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. to 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** David E. Henry, Office of Operations and Enforcement, Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone (202-755-5893).

**SUPPLEMENTARY INFORMATION:** The cylinder specifications in Part 178 of the Hazardous Materials Regulations require that each cylinder be marked with a serial number and an identifying symbol of the maker. Numbers and symbols of the purchaser or the user are also permitted by the applicable cylinder specifications to be marked on a cylinder if the maker's symbol appears on a cylinder near the original test

date. The MTB believes that deletion of the references in Part 178 to the purchaser's or user's markings in each cylinder specification would eliminate confusion between the required markings of the maker and these optional markings of the purchaser or user. The deletion of the purchaser's and user's markings from the individual cylinder specifications would not prohibit a maker from marking on cylinders a series of numbers specified by an original purchaser, so long as duplication of numbers used by a particular maker does not occur. The maker's serial number may be any number conceived by or suggested to the maker as long as that maker uses it only once, so that the number, in association with the maker's mark, is unique. Markings of the purchaser or user would continue to be permitted on a cylinder as additional information under the provisions of § 173.34(c)(1).

The maker's serial number and an identifying symbol required to be marked on a cylinder, together with the original test date, provide the only means of tracing a cylinder to its original test reports. The Original test reports, in many cases, are needed for proper retest, repair, or rebuilding of a cylinder as these functions must be performed by a process similar to that used during original manufacture. The test report may be the only source for obtaining this information. Because of the invaluable use of such required markings to locate the test reports, the MTB believes these markings should not be changed. Accordingly, this proposal would delete § 173.34(c)(3)(ii) and thereby prohibit a cylinder owner from changing the manufacturer's serial number and his identifying symbol marked on a cylinder. An approval is not required for changes in optional markings.

On September 27, 1979, the MTB published in the Federal Register an amendment (Docket HM-163C, 44 FR 55577) to reassign certain approval, registration and recordkeeping responsibilities from the Transportation System Center of the Research and Special Programs Administration to MTB's Associate Director for Operations and Enforcement (OE). Certain of these responsibilities relative to the submission of cylinder reports are discussed below.

Under current requirements, it is the

duty of the inspector to furnish complete reports to the purchaser, the maker, and the Associate Director for OE. Also, if a cylinder has been repaired or rebuilt, test reports as required in the original cylinder specification must be furnished to these same parties. The submission of test reports to all purchasers as required by present cylinder specifications is not necessary. For example, a purchaser of a cylinder intended for personal use may not have a need for such reports. However, should a purchaser want the reports, he should have access to them. This proposal would correct this situation by revising the applicable cylinder specifications to require the furnishing of such reports to the purchaser only if they are requested.

Although the cylinder specifications presently require the inspector to submit test reports to the purchaser, the maker and the Associate Director for OE, there is no requirement that any of these parties retain these records. The MTB believes that due to the long term use of cylinders, these reports should be permanently retained by the inspector and the maker of the cylinder. MTB has incorporated these provisions into these proposals. The requirements for submission of test reports to the MTB would be deleted.

Primary drafters of this notice are: David E. Henry, Office of Operations and Enforcement; Hattie L. Mitchell, Office of Hazardous Materials Regulation, and George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, Parts 173 and 178 of 49 CFR would be amended to read as follows:

1. In § 173.34, paragraph (c)(1) would be revised; paragraph (c)(3)(ii) would be deleted as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

\* \* \*

(c) \* \* \*

(1) Additional information not affecting the markings prescribed in the applicable cylinder specification may be placed on the cylinder. No indentation may be made in the sidewall of the cylinder unless specifically permitted in the applicable specification.

\* \* \*

(3) \* \* \*

(ii) Delete

\* \* \*

§§ 178.51-19 and 178.61-20 [Amended].

2. The first sentence of §§ 178.51-19(a)(2), and 178.61-20(a)(2) would be amended to read as follows: "A serial number and an identifying symbol of the maker." \* \* \*

3. The second sentence of the following paragraphs would be amended to read: "The symbol and numbers must be those of the maker." \* \* \*

§ 178.36-20(a)(3)

§ 178.49-19(a)(2)

§ 178.37-20(a)(3)

§ 178.50-19(a)(2)

§ 178.38-20(a)(2)

§ 178.52-19(a)(2)

§ 178.39-19(a)(2)

§ 178.53-19(a)(2)

§ 178.40-20(a)(2)

§ 178.54-20(a)(2)

§ 178.41-19(a)(2)

§ 178.55-20(a)(2)

§ 178.42-14(a)(2)

§ 178.57-20(a)(3)

§ 178.43-20(a)(2)

§ 178.58-21(a)(2)

§ 178.44-23(a)(2)

§ 178.59-19(a)(2)

§ 178.47-21(a)(2)

§ 178.60-22(a)(2)

§ 178.48-19(a)(2)

§ 178.68-19(a)(2)

4. The following paragraphs would be revised to read as follows: "Furnish complete reports required by this specification to the maker of the cylinder and, upon request, to the purchaser. The report must be permanently retained by the inspector."

§ 178.36-4(d)

§ 178.50-4(d)

§ 178.37-4(d)

§ 178.51-4(d)

§ 178.38-4(d)

§ 178.52-4(d)

§ 178.39-4(d)

§ 178.53-4(d)

§ 178.40-4(d)

§ 178.54-4(d)

§ 178.41-4(d)

§ 178.55-4(d)

§ 178.42-4(d)

§ 178.56-4(d)

§ 178.43-4(d)

§ 178.57-4(d)

§ 178.44-4(d)

§ 178.58-4(d)

§ 178.47-4(d)

§ 178.61-4(d)

§ 178.48-4(d)

§ 178.68-4(d)

§ 178.49-4(d)

5. The following new sections would be added to read as follows:

"*Report retention.* The maker of cylinders under this specification must permanently retain the test reports required by this specification."

§ 178.36-23

§ 178.51-22

§ 178.37-23

§ 178.52-22

§ 178.38-23

§ 178.53-21

§ 178.39-22

§ 178.54-23

§ 178.40-23

§ 178.55-23

§ 178.41-22

§ 178.56-22

§ 178.42-16

§ 178.57-23

§ 178.43-23

§ 178.58-24

§ 178.44-26

§ 178.59-21

§ 178.47-24

§ 178.60-25

§ 178.48-22

§ 178.61-22

§ 178.49-22

§ 178.68-21

§ 178.50-22

6. In § 178.59, paragraph (c) of 178.59-3 would be revised to read as follows:

§ 178.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 178.59-3 Inspection by whom and where.

\* \* \* \* \*

(c) Duties of inspector of completed cylinders: Determine porosity of filling

and tare weights; verify compliance marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; furnish complete reports required by this specification to the company that has completed the manufacture of the cylinders and, upon request, furnish complete reports to the purchaser. These reports must be permanently retained by the inspector.

7. In § 178.60, paragraph (c) of § 178.60-3 would be revised to read as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 178.60-3 Inspection by whom and where.

\* \* \* \* \*

(c) Duties of inspector of completed cylinders: Determine porosity of filling and tare weights; verify compliance of marking with prescribed requirements; obtain necessary copies of steel shell reports prescribed in paragraph (b) of this section; furnish complete reports required by this specification to the company that has completed the manufacture of the cylinders and, upon request, furnish complete reports to the purchaser. These reports must be permanently retained by the inspector.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Part A to Part and paragraph (a)(4) of App. A, Part 108.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on February 7, 1980.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80-4738 Filed 2-13-80; 8:45 am]